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**U.S. District Court**  
**District of New Mexico - Version 4.2 (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:11-cv-00069-LFG-RHS**

Olivas Castillo v. U.S. Department of Homeland Security et al  
Assigned to: Magistrate Judge Lorenzo F. Garcia  
Referred to: Magistrate Judge Robert Hayes Scott  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/20/2011  
Date Terminated: 11/22/2011  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Marcos Olivas Castillo**

represented by **Olsi Vrap**  
4263 Montgomery Blvd.  
Suite 240  
Albuquerque, NM 87109  
505-352-6660  
Fax: 505-872-6120  
Email: [olsi@noblelawfirm.com](mailto:olsi@noblelawfirm.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James V Noble**  
Noble Law Firm  
7 Camino de Verdad  
Santa Fe, NM 87508  
505-466-6127  
Fax: 505-473-0591  
Email: [jim@noblelawfirm.com](mailto:jim@noblelawfirm.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. Department of Homeland Security**

represented by **Manuel Lucero**  
US Attorney's Office  
District of New Mexico  
PO Box 607  
Albuquerque, NM 87103  
(505) 346-7274  
Email: manny.lucero@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Janet Napolitano**  
*Secretary of the U.S. Department of  
Homeland Security*

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Immigration and Customs  
Enforcement (ICE)**  
*Division of the Department of Homeland  
Security*

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Morton**  
*ICE Director*

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Citizenship and Immigration  
Services (USCIS)**  
*Division of the Department of Homeland  
Security*  
**TERMINATED: 05/27/2011**

represented by **Manuel Lucero**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alejandro Mayorkas**  
*USCIS Director*

represented by **Manuel Lucero**  
(See above for address)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/20/2011	<u><a href="#">1</a></u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against Department of Homeland Security, Alejandro Mayorkas, John Morton, Janet Napolitano, USCIS, USICE ( Filing Fee - Online Payment), filed by Marcos Olivas Castillo. (Attachments: # <u><a href="#">1</a></u> Exhibit Exhibit 1, # <u><a href="#">2</a></u> Exhibit Exhibit 2, # <u><a href="#">3</a></u> Exhibit Exhibit 3, # <u><a href="#">4</a></u> Exhibit Exhibit 4, # <u><a href="#">5</a></u> Exhibit Exhibit 5)(Vrapi, Olsi) (Entered: 01/20/2011)
01/20/2011		Filing Fee Received: \$ 350 receipt number 1084-1848294 re <u><a href="#">1</a></u> Complaint, filed by Marcos Olivas Castillo (Payment made via Pay.gov)(Vrapi, Olsi) (Entered: 01/20/2011)
01/20/2011	<u><a href="#">2</a></u>	APPENDIX/SUPPLEMENT re <u><a href="#">1</a></u> Complaint, <i>Civil Cover Sheet</i> by Marcos Olivas Castillo (Vrapi, Olsi) (Entered: 01/20/2011)
01/20/2011		Magistrate Judge Lorenzo F. Garcia and Magistrate Judge Robert Hayes Scott assigned. (ah) (Entered: 01/20/2011)
01/20/2011	3	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Lorenzo F. Garcia to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. <b>It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint.</b> <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at <a href="http://www.nmcourt.fed.us">www.nmcourt.fed.us</a> for more information and instructions. <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (ah) (Entered: 01/20/2011)
01/20/2011		Summons Issued as to Alejandro Mayorkas, John Morton, Janet Napolitano, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), U.S. Attorney and U.S. Attorney General (ah) (Entered: 01/20/2011)
03/24/2011	<u><a href="#">4</a></u>	ANSWER to <u><a href="#">1</a></u> Complaint, by U.S. Immigration and Customs Enforcement (ICE). Related document: <u><a href="#">1</a></u> Complaint, filed by Marcos Olivas Castillo.(Lucero, Manuel) (Entered: 03/24/2011)
03/25/2011	<u><a href="#">5</a></u>	MOTION to Dismiss for Lack of Jurisdiction <i>OR, ALTERNATIVELY, FAILURE TO</i>

		<i>STATE A CLAIM UPON WHICH RELIEF CAN BE GRANT</i> by U.S. Citizenship and Immigration Services (USCIS). (Lucero, Manuel) (Entered: 03/25/2011)
03/25/2011	<a href="#"><u>6</u></a>	MEMORANDUM in Support re <a href="#"><u>5</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>OR, ALTERNATIVELY, FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANT</i> filed by U.S. Citizenship and Immigration Services (USCIS). (Attachments: # <a href="#"><u>1</u></a> Exhibit Declaration, # <a href="#"><u>2</u></a> Exhibit Exhibit to declaration)(Lucero, Manuel) (Entered: 03/25/2011)
03/25/2011	<a href="#"><u>7</u></a>	NOTICE of Appearance by Manuel Lucero on behalf of Alejandro Mayorkas, John Morton, Janet Napolitano, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) (Lucero, Manuel) (Entered: 03/25/2011)
03/30/2011	<a href="#"><u>8</u></a>	NOTICE of Impending Reassignment by Magistrate Judge Lorenzo F. Garcia. (clm) (Entered: 03/30/2011)
03/30/2011	<a href="#"><u>9</u></a>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), Alejandro Mayorkas, John Morton, Janet Napolitano, U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) voluntarily consents to have United States Magistrate Judge Lorenzo F. Garcia conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Lucero, Manuel) <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 03/30/2011)
03/30/2011	<a href="#"><u>10</u></a>	CONSENT TO PROCEED Before a U.S. Magistrate Judge. Under 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(b), Marcos Olivas Castillo voluntarily consents to have United States Magistrate Judge Lorenzo F. Garcia conduct dispositive proceedings in this matter, including motions and trial, and order the entry of final judgment. (Vrapi, Olsi) <a href="#">[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.]</a> (Entered: 03/30/2011)
04/25/2011	<a href="#"><u>11</u></a>	SCHEDULING ORDER: by Magistrate Judge Robert Hayes Scott Rule 16(c) Hearing set for 6/9/2011 at 09:30 AM in Albuquerque - 620 Judge Robert H. Scott Chambers before Magistrate Judge Robert Hayes Scott. (ge) (Entered: 04/25/2011)
04/25/2011	<a href="#"><u>12</u></a>	RESPONSE in Opposition re <a href="#"><u>5</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>OR, ALTERNATIVELY, FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANT</i> filed by Marcos Olivas Castillo. (Attachments: # <a href="#"><u>1</u></a> Exhibit Exhibit 1) (Vrapi, Olsi) (Entered: 04/25/2011)
05/16/2011	<a href="#"><u>13</u></a>	REPLY to Response to Motion re <a href="#"><u>5</u></a> MOTION to Dismiss for Lack of Jurisdiction <i>OR, ALTERNATIVELY, FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANT</i> filed by U.S. Citizenship and Immigration Services (USCIS).

		(Lucero, Manuel) (Entered: 05/16/2011)
05/26/2011	<a href="#">14</a>	ERRATA re <a href="#">6</a> Memorandum in Support, <i>Exhibit D</i> by U.S. Citizenship and Immigration Services (USCIS), U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) (Lucero, Manuel) (Entered: 05/26/2011)
05/27/2011	<a href="#">15</a>	MEMORANDUM OPINION AND ORDER by Magistrate Judge Lorenzo F. Garcia granting Defendant USCIS's Motion to Dismiss <a href="#">5</a> and dismissing Plaintiff's claims against USCIS with prejudice, for the reasons stated herein. (mw) (Entered: 05/27/2011)
06/06/2011	<a href="#">16</a>	ORDER by Magistrate Judge Lorenzo F. Garcia Vacating Initial Scheduling Order and Conference set for 6/9/11. (clm) (Entered: 06/06/2011)
06/07/2011	<a href="#">17</a>	NOTICE by U.S. Immigration and Customs Enforcement (ICE) <i>and Plaintiff of Agreed Briefing Schedule</i> (Lucero, Manuel) (Entered: 06/07/2011)
07/29/2011	<a href="#">18</a>	Unopposed MOTION for Extension of Time to File <i>Simultaneous</i> by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE). (Lucero, Manuel) (Entered: 07/29/2011)
08/01/2011	<a href="#">19</a>	ORDER to Extend Briefing Schedule by Magistrate Judge Robert Hayes Scott granting <a href="#">18</a> Motion for Extension of Time to File (ln) (Entered: 08/01/2011)
08/31/2011	<a href="#">20</a>	MOTION for Summary Judgment by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE). (Lucero, Manuel) (Entered: 08/31/2011)
08/31/2011	<a href="#">21</a>	MEMORANDUM in Support re <a href="#">20</a> MOTION for Summary Judgment filed by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE). (Attachments: # <a href="#">1</a> Affidavit Declaration of Ryan Law, # <a href="#">2</a> Exhibit Vaughn Index)(Lucero, Manuel) (Entered: 08/31/2011)
08/31/2011	<a href="#">22</a>	First MOTION for Summary Judgment by Marcos Olivas Castillo. (Vrapi, Olsi) (Entered: 08/31/2011)
08/31/2011	<a href="#">23</a>	MEMORANDUM in Support re <a href="#">22</a> First MOTION for Summary Judgment filed by Marcos Olivas Castillo. (Vrapi, Olsi) (Entered: 08/31/2011)
09/16/2011	<a href="#">24</a>	<b>**FILED IN ERROR**</b> RESPONSE to Motion re <a href="#">22</a> First MOTION for Summary Judgment filed by U.S. Immigration and Customs Enforcement (ICE). (Lucero, Manuel) Modified on 9/16/2011 (dmw). (Entered: 09/16/2011)

09/16/2011	<a href="#">25</a>	MEMORANDUM in Opposition re <a href="#">20</a> MOTION for Summary Judgment, <a href="#">21</a> Memorandum in Support, filed by Marcos Olivas Castillo. (Vrapi, Olsi) (Entered: 09/16/2011)
09/16/2011	<a href="#">26</a>	RESPONSE in Opposition re <a href="#">22</a> First MOTION for Summary Judgment <i>Of the Plaintiff</i> filed by U.S. Immigration and Customs Enforcement (ICE). (Lucero, Manuel) (Entered: 09/16/2011)
10/05/2011	<a href="#">27</a>	NOTICE of Briefing Complete by U.S. Immigration and Customs Enforcement (ICE) re <a href="#">20</a> MOTION for Summary Judgment filed by U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) (Lucero, Manuel) (Entered: 10/05/2011)
10/05/2011	<a href="#">28</a>	NOTICE of Briefing Complete by Marcos Olivas Castillo re <a href="#">22</a> First MOTION for Summary Judgment filed by Marcos Olivas Castillo (Vrapi, Olsi) (Entered: 10/05/2011)
11/22/2011	<a href="#">29</a>	MEMORANDUM OPINION AND ORDER by Magistrate Judge Lorenzo F. Garcia Granting Defendants' Motion for Summary Judgment <a href="#">20</a> and Denying Plaintiff's Motion for Summary Judgment <a href="#">22</a> . (clm) (Entered: 11/22/2011)
11/22/2011	<a href="#">30</a>	FINAL JUDGMENT in favor of Defendants against Plaintiff by Magistrate Judge Lorenzo F. Garcia, dismissing Plaintiff's Complaint with prejudice. (clm) (Entered: 11/22/2011)

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